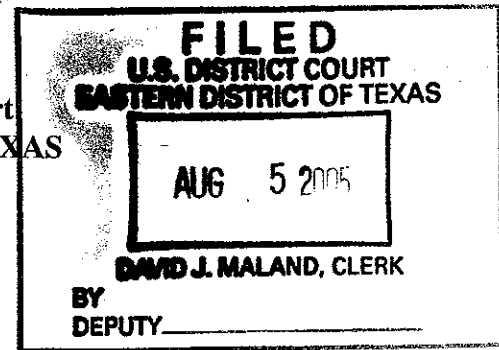


United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION



AUDREY NEWSOME

§

§

§

V.

§

§

COLLIN COUNTY COMMUNITY

§

COLLEGE DISTRICT, ET AL.

§

CASE NO. 4:04CV265
(Judge Schell/Judge Bush)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the Report of the United States Magistrate Judge in this action, this matter having been heretofore referred to United States Magistrate Judge Don D. Bush pursuant to 28 U.S.C. § 636. On July 19, 2005, the Report of the Magistrate Judge was entered containing his proposed findings of fact and recommendations that Defendant Collin County Community College District's ("CCCCD") Motion for Summary Judgment be granted with regard to Plaintiff's claims for Sexual Harassment, Violation of the Texas Whistleblower Act, Retaliation, and Due Process Violation, and that such claims be dismissed with prejudice. The Magistrate Judge further recommended the CCCCCD's Motion for Summary Judgment be denied with regard to Plaintiff's claims for Retaliatory Discharge and Punitive Damages.

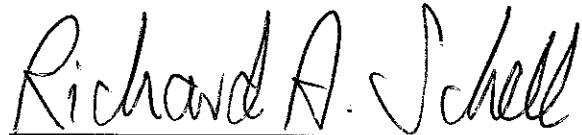
Having received the report of the United States Magistrate Judge, and having made a *de novo* review of the objections filed by CCCCCD, this Court is of the opinion that CCCCCD's objections to the Magistrate Judge's ruling on Punitive Damages have merit, but that the remainder of CCCCCD's objections are without merit and that the findings and conclusions of the Magistrate Judge on all claims other than Punitive Damages are correct. Although CCCCCD's

Motion for Summary judgment was somewhat lacking in both argument and evidence on the issue of Punitive Damages, CCCCCD has, through its objections, directed the Court to sufficient evidence to rule in its favor on this issue. The Court thus adopts the findings and conclusions of the Magistrate Judge, in part, as the findings and conclusions of the Court. It is, therefore,

ORDERED, ADJUDGED and DECREED that CCCCCD's Motion for Summary Judgment is **GRANTED** as to Plaintiff's claims for Sexual Harassment, Violation of the Texas Whistleblower Act, Retaliation, Due Process Violation, and Punitive Damages, and that such claims are **DISMISSED WITH PREJUDICE**. It is further

ORDERED that CCCCCD's Motion for Summary Judgment is **DENIED** as to Plaintiff's claim for Retaliatory Discharge.

SIGNED this 5th day of August, 2005.

A handwritten signature in cursive script that reads "Richard A. Schell". The signature is written in dark ink and is positioned above a horizontal line.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE